



**Statement of Michael P. Jackson
Deputy Secretary of Transportation
before the Subcommittees on
Telecommunications, Trade and Consumer Protection
and
Oversight and Investigation
of the
Committee on Energy and Commerce
U. S. House of Representatives
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Mr. Chairman and Members of the Subcommittees:

I am pleased to appear before you today and wish to thank Subcommittee Chairmen Stearns and Greenwood, Subcommittee Ranking Members Towns and Deutsch, Full Committee Chairman Tauzin and Ranking Member Dingell for the invitation to appear at this hearing.

With me are NHTSA's Executive Director, L. Robert Shelton, and Associate Administrator for Safety Assurance, Kenneth N. Weinstein.

1. Introduction

Mr. Chairman, this hearing addresses a series of safety issues that are of the very highest importance. The Department of Transportation's investigation of Firestone tires was set in motion by tragic events and loss of life. All of the parties appearing before you today must honor the memory of those individuals by our responsible actions.

On behalf of Secretary Mineta, I want to assure you that the Department of Transportation is pursuing these matters systematically, objectively, and thoroughly. Like you, we are animated by a focused *urgency*, and a vigorous resolve to protect the public. We have worked closely with Ford and Firestone to share information and gather facts about these complex technical matters. Our work on these matters continues to evolve. As we gain additional information and are able to draw firm conclusions from our ongoing research, NHTSA will follow these matters wherever the facts lead.

I want to thank the Committee on Energy and Commerce for your strong support and your counsel as we progress. In particular, I want to express our gratitude for the tools and resources that this Committee helped make available to the Department with last November's enactment of the TREAD Act. After my confirmation by the Senate last

month, I studied the Act in its entirety. In the TREAD Act, Congress set aggressive deadlines for completing the required rulemakings. While I confess to having often been impatient with the pace of regulatory work at the Department, Secretary Mineta and I are pleased to inform the Subcommittees that NHTSA is on schedule to implement the Act's landmark safety enhancements. This includes the regulations regarding tire performance standards, tire pressure warning, early warning reporting requirements, rollover testing and child restraint improvements.

We will continue to monitor implementation carefully. I personally pledge that the Department will work closely and candidly with these Subcommittees to keep you apprised of our progress both on TREAD Act implementation, and on the Firestone Tire and Ford Explorer matters.

The remainder of my testimony will address two topics: first, NHTSA's ongoing investigation into certain Firestone tires; and second, the question of whether and to what extent NHTSA should review tire-vehicle interface issues, including data commissioned by Firestone regarding understeer/oversteer characteristics of the Ford Explorer.

2. NHTSA's Investigation into Firestone Tires

As the Committee is aware, NHTSA opened its formal defect investigation of over 50 million Firestone ATX, ATX II, and Wilderness tires in May 2000, after the number of complaints concerning these tires increased significantly that year. With implementation of the TREAD Act, we will have a far better early warning system to identify potential tire defects.

NHTSA now anticipates its current testing of tires will be completed by the end of next week. By roughly this time next month, NHTSA expects to finish its analysis and announce the results.

Since NHTSA's investigation was launched, there have been two separate actions that will lead to replacement of more than half of the tires covered by the investigation:

- On August 9, 2000, Firestone recalled all of its ATX and ATX II tires of the P235/75R15 size manufactured since 1991. It also recalled Wilderness AT tires of that size made at its Decatur plant, for a total of 14.4 million tires.
- On May 22, 2001, Ford announced a tire replacement program that includes all other Firestone Wilderness tires on certain Ford, Mercury and Mazda SUVs and light trucks. This replacement action totals approximately 13 million tires.

The Department applauds Ford for its strong commitment to safety and its efforts to retain the confidence of its customers. It is necessary to reiterate that NHTSA has not yet completed its investigation nor has NHTSA made a formal determination about the necessity of a further recall. Ford's decision does not render NHTSA's investigation moot.

NHTSA's role under the Vehicle Safety Act is to decide whether any of the tires under investigation contain a defect that relates to motor vehicle safety. Some of these tires were installed as original equipment on non-Ford vehicles and are beyond the scope of Ford's replacement program. Other tires have been used as replacement tires on non-Ford vehicles. It is thus important that NHTSA complete its investigation and reach a decision consistent with its statutory and regulatory mandate.

NHTSA's Firestone investigation is unprecedented in its technical complexity. The investigation includes both a review of field experience and an extensive series of laboratory analyses. The agency has examined hundreds of tires from the field and is employing numerous state-of-the-art techniques to analyze the performance and characteristics of these tires. These techniques include:

- shearography -- a non-destructive technique that can detect separations within a tire;
- sectioning -- cutting a tire to measure the dimensions of interior features, including cracks;
- adhesion testing -- measuring the resistance of the belts to being peeled apart;
- rig testing on drums B to assess durability;
- chemical analyses -- evaluating the effects of oxidation and other chemical processes that can degrade a tire; and
- other internal physical measurements.

NHTSA has requested and received information from six other tire companies to allow the agency to perform peer comparisons. Throughout the investigation, NHTSA has continued to receive extensive information from both Ford and Firestone, and we have periodically provided both companies with summaries of data collected in our testing effort. We are grateful for the cooperation of both parties. However, I want to emphasize that NHTSA has not yet provided either Firestone or Ford with its conclusions or recommendations about whether a further recall is necessary.

Finally, I know that some members of the Committee may be concerned that the NHTSA Firestone investigation may not yet have gone far enough. It is true that NHTSA's testing is focused primarily on a subset of the tires that are covered by Ford's recent replacement program. However, this is because NHTSA's analysis of field data has demonstrated that those tires have been associated with the greatest number of claims, crashes, injuries and fatalities compared to other tires not covered by Firestone's August 2000 recall. To put this in context, based on NHTSA's June 18, 2001 update of the database of reports to the agency, the 14.4 million ATX and Wilderness AT tires recalled last year have been associated with some 285 crashes and 123 fatalities. The 13 million tires in Ford's recently announced replacement program have been associated with 37 crashes and 10 fatalities. The tires covered by NHTSA's September 1, 2001 Consumer Advisory have been associated with a reported 15 crashes and five fatalities. The approximately 23 million remaining tires within the universe of tires covered by this investigation have, to date, been associated with eight crashes and 12 fatalities⁽¹⁾

Ford has now also provided data to NHTSA and to this Committee about tires that are not currently being subjected to extensive testing by NHTSA. Again, NHTSA expects to conclude its ongoing tire testing for this investigation next week. If, after assessing all available data, NHTSA concludes that an expanded testing program for other Wilderness tires is indicated, it will expand its investigative work to focus more scrutiny on those tires.

3. Firestone's Assertions Regarding Handling of Ford Explorers

In Chairman Tauzin's June 6 letter to NHTSA, he urged NHTSA to consider whether the safety problem now being investigated is "solely a tire issue, or whether it is a tire-vehicle application issue." I would like to offer two sets of observations about this important question.

First, NHTSA's inquiry has focused on tires because it is the tires that have been failing. As the Committee is aware, by law tires are treated differently from all other items of original equipment on vehicles. Defects in tires are to be remedied by the tire manufacturer rather than the vehicle manufacturer.

If tires were treated statutorily as part of the vehicle itself -- as are headlights or seat belts, for example -- the proper course of action would have been to launch an investigation of one or more vehicle models and any tires used as replacements. Moreover, and to be specific, NHTSA has had no credible evidence that the Ford Explorer's design is in any way responsible for *causing* tread separation or other such catastrophic tire failure. Firestone has not, as I understand it, asserted this causal relationship.

NHTSA has to date therefore conducted this investigation as first and foremost a tire investigation. If it appears that the safety problem is limited primarily to crashes involving vehicles equipped with certain Firestone tires, then the most immediate and effective remedy under the law is to recall the tires.

Second, I would now like to turn to NHTSA's examination of the handling characteristics of the Ford Explorer. As the Committee is aware, Firestone commissioned a study to look at the handling characteristics and rollover propensity of Ford Explorers after tire tread separation. Firestone recently informed the Department that it is conducting a study and simultaneously made public the results of the first set of its handling tests. Firestone has asked the Department to investigate its claims that the Ford Explorer is deficient in its handling under this situation.

Like other SUVs, the Ford Explorer experiences a higher overall rollover rate than passenger cars. In asking NHTSA to investigate the safety of the Explorer, Firestone has alleged that Explorers are more likely than other SUVs to experience an oversteer condition following a tread separation on a left rear tire and that an oversteer condition is likely to make a vehicle less stable.

Although Firestone has verbally stated to the Department that it did not intend to take the formal legal step of petitioning NHTSA to conduct an investigation, their written communication to NHTSA virtually constitutes such a request. Secretary Mineta and I therefore asked NHTSA to treat the Firestone request as if it were a formal petition. Consequently, at this stage NHTSA is conducting an analysis to determine if a formal investigation is merited.

The Department and NHTSA are giving this matter full consideration. NHTSA is reviewing Firestone's information and has met with both Firestone and Ford to discuss in detail Firestone's allegations. Last week, the agency met with the consultant hired by Firestone to conduct its tests. Firestone's consultant recently advised NHTSA that he does not expect to complete his testing until the end of July.

Even before receiving Firestone's request, the agency already had been reviewing field data from a variety of sources, including NHTSA's own data collection systems, for the purpose of evaluating the likelihood of a rollover, given a tire failure, for both the Explorer and for peer vehicles. NHTSA has recently collected and is currently evaluating accident data regarding various model years of the Explorer. NHTSA has not yet formed a view as to the validity of Firestone's claims about the performance of the Explorer. NHTSA will assess the additional test data promised by Firestone in conjunction with other relevant available data. The agency's goal is to complete its initial analysis of this data as quickly as possible this Summer. It will then decide whether to open a formal investigation.

We realize that this is an issue of great interest to the Subcommittees, to the manufacturers and the public. We will keep these Subcommittees informed as NHTSA brings this review to closure.

Mr. Chairman, I have now provided an overview of our ongoing Firestone investigation, the Explorer vehicle handling analysis, and the principles animating each. Portions of my testimony today may alternatively leave both Ford and Firestone disappointed that we do not have immediate closure on important issues. I know that we can, in both cases, count on their continued cooperation with NHTSA. As we continue to do our job in assessing these difficult issues, I hope we will earn the Committee's confidence and that of the public who rely on the Department's vital safety work.

Speaking for Secretary Mineta, you have our pledge that we will continue to conduct this work in a fair, impartial and thoroughly professional manner, always mindful of the urgency and importance of this effort. This concludes my statement. My colleagues and I will be glad to answer any questions.

¹ The eight crashes represent eight different tire models. In addition, NHTSA has data on an additional 53 total fatalities where the vehicle involved was an Explorer and/or there is enough tire information known to assume the tire involved is among those under

investigation. Because the crashes are old or the tire was not saved, additional information is not available to categorize them properly.